



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20591  
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/007,326	12/05/2001	Jack R. Kelly	COAD-004 01US

23419  
 COOLEY GODWARD, LLP  
 3000 EL CAMINO REAL  
 5 PALO ALTO SQUARE  
 PALO ALTO, CA 94306



CONFIRMATION NO. 2028  
**FORMALITIES LETTER**



\*OC000000007655224\*

Date Mailed: 03/18/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$144.
  - \$144 for 16 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 579.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice MUST be returned with the reply.*

*Initials*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



5-3-02  
EL5140321US  
MPL

Attorney Docket No.: C04AD-00481US

PATENT

Express Mail Label Number:

EL51403210US

Date of Deposit:

30 April 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.

Date: 30 April 2002

By:

Vladimir Skliba

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of     Jack R. KELLY, et al.

Serial No.:     10/007,326                              Examiner:     Not yet assigned

Confirmation No.:     2028                              Art Unit:     2874

Filed:     December 5, 2001

For:     **APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES**

### **Box Missing Parts**

Commissioner for Patents  
Washington, D.C. 20231

### **RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

In response to the Notice to File Missing Parts of Application under 37 C.F.R. § 1.53(b) mailed on March 18, 2002, enclosed are:

- Copy of the Notice to File Missing Parts of Application;
- Executed Declaration;
- Power to Prosecute;
- Assertion of Entitlement to Small Entity Status;
- 13 Sheets of Formal Drawings, containing Figures 1 to 11;
- IDS Disclosure Statement Transmittal and IDS Disclosure Statement Under C.F.R. §1.97(b); and
- Other: Return postcard

and the payment of the following fee(s):

- Filing fee of \$514.00  
 Surcharge fee for Late Filing of Declaration of \$65.00  
 Other fees:

Total Fee due: **\$579.00.**

- Check in the amount of \$579.00 for the total fee is attached.  
 Please charge \$\_\_\_\_ to Deposit Account No. 03-3117 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Dated: 7/10/00

Cooley Godward LLP  
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Tel: (650) 843-5000  
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WSG:dm

By:

Respectfully submitted,  
**COOLEY GODWARD LLP**

  
William S. Galliani  
Reg. No. 33,885

Attorney Docket No: COAD-004/01US



PATENT

Applicant: Jack R. KELLY, et al.

Serial No.: 10/007,326

Filed: December 5, 2001

For: APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER  
37 C.F.R. §1.27 - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- the owner of the small business concern identified below;
- an official of the small business concern empowered to act on behalf of the concern identified below;

Name of Small Business Concern: **Coadna Photonics, Inc.**

Address of Small Business Concern **90 Great Oaks Boulevard, Suite 203  
San Jose, California 95119**

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121 for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled and described in:

- the specification filed herewith;
- the application identified above; or
- the patent identified above;

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3):

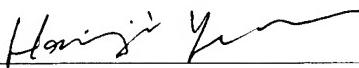
Name:

Address:

Individual     Small Business Concern     Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature



Date

4/1/02

Name of Person Signing

**Haiji J. Yuan**

Title of person other than owner

**President & CEO**

Address of person signing

**90 Great Oaks Boulevard, Suite 203  
San Jose, California 95119**